

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:10-cr-27
vs.)
) JUDGE MATTICE
HERSHELL RAINES)

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on February 7, 2013 and February 12, 2013, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision (Petition) of U.S. Probation Officer Michael E. Stuart and the Warrant for Arrest issued by U.S. District Harry S. Mattice, Jr. Those present for the hearing included:

- (1) AUSA Perry Piper for the USA.
- (2) Defendant HERSHELL RAINES.
- (3) Attorney Anthony Martinez for defendant.
- (4) Deputy Clerk Kelli Jones.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

It was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Federal Defender Services of Eastern Tennessee, Inc. was APPOINTED to represent the defendant. It was determined the defendant had been provided with a copy of the Petition and the Warrant for Arrest and had the opportunity of reviewing those documents with his attorney. It was also determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided.

Defendant waived his right to a preliminary hearing but requested a detention hearing. A detention hearing was rescheduled for Tuesday, February 12, 2013, at 3:00 pm.

At the February 12, 2013, detention hearing, AUSA Piper called Supervising USPO Beth Miller as a witness and moved that the defendant be detained pending the revocation hearing.

Findings

- (1) Based upon Supervising USPO Miller's testimony, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged or set forth in the Petition.
- (2) The defendant has not carried his burden under Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure, that if released on bail he will not flee or will not pose a danger to the community.

Conclusions

It is ORDERED:

- (1) The motion of AUSA Piper that the defendant be DETAINED WITHOUT BAIL pending the revocation hearing before U.S. District Judge Harry S. Mattice, Jr. is GRANTED.
- (2) The U.S. Marshal shall transport defendant to a revocation hearing before Judge Mattice on **Wednesday, February 27, 2013, at 9:00 am.**

ENTER.

S /William B. Mitchell Carter
UNITED STATES MAGISTRATE JUDGE